

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The petitioner is presently working at the local food shelf for her community service employment. However, she is willing to perform only 20 hours a week of employment there. The Department notified her that effective December 1, 2005 her RUFA grant would be reduced by \$75 a month as a sanction for not working the required number of hours.

3. The petitioner has submitted documents from her vocational counselor and her children's school counselors to the effect that her children's emotional needs require her to be absent from the home no more than 20 hours per week.

4. The petitioner also alleges that due to her own emotional problems she is limited to 20 hours a week of employment.

5. The petitioner is also presently taking some college courses. She states that she intends to apply for the Department's Post Secondary Education (PSE) program through Reach Up.

6. The petitioner has declined to request a deferment or modification through Reach Up whereby her 30-hour work requirement could be reduced on the basis of either her own or her children's medical or emotional needs. The petitioner feels that if she is granted such a deferment her eligibility for PSE will be jeopardized.

7. The Department stands willing to consider a request by the petitioner for a deferment or modification of her work requirement. The issue in this case is whether the petitioner should be exempted from the 30-hour work requirement without requesting such a deferment or modification.

ORDER

The Department's decision is affirmed.

REASONS

There is no dispute in this case that under the Reach Up regulations, absent a deferment or modification, the petitioner is required to perform at least 30 hours per week of community service employment in order to continue to receive full Reach Up benefits. See W.A.M. § 2363.32(A)(2). Deferments and modifications of this requirement are available based on the medical needs and limitations of the participant or members of her family. See §§ 2365.3(6) and 2365.32.

In this case, there is no reason to believe that the Department would not grant the petitioner such a modification if she would request one. The petitioner, however, purportedly out of fear for her future eligibility for PSE funding, refuses to make such a request. Instead she seeks to be excused from the 30-hour work requirement without a formal determination by the Department of her medical need for one.

It is unclear if the Department has actually told the petitioner that her future eligibility for PSE funding will

be jeopardized by her presently requesting a modification of her work requirement. The hearing officer does not know of anything in the PSE regulations that would explicitly render the petitioner ineligible for PSE if she is only able to work 20 hours a week for medical reasons (even assuming she would continue to have such a limitation when she actually applies for or begins PSE). See W.A.M. § 2402.1(B).

Although there may be some sympathy for the petitioner's predicament, at least as she perceives it, there does not appear to be anything in the regulations that can excuse her from 30-hour a week work requirement unless she requests a specific deferment or modification. Inasmuch as the Department's decision in this case is in accord with the pertinent regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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